

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**MEMORANDUM & ORDER**  
08 CR 705 (S-1) (RJD)

- against -

MINERVA PASCUAL,

Defendant.

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DEARIE, District Judge

Defendant Minerva Pascual invokes Rule 36 of the Federal Rules of Criminal Procedure to seek clarification of my November 3, 2010 decision denying her motion to suppress. I am comfortable with my ruling and decline to revisit it, particularly in light of the Second Circuit's holding in *United States v. Pascual*, 502 F. App'x 75, 76-79 (2d Cir. 2012). And, in any event, the clarification that Ms. Pascual seeks does not involve the type of "clerical error" that can be remedied by Rule 36. See *United States v. Burd*, 86 F.3d 285, 288 (2d Cir. 1996); *United States v. Werber*, 51 F.3d 342, 346-48 (2d Cir. 1995).

SO ORDERED.

Dated: Brooklyn, New York  
August 7, 2013

/s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge